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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,423	02/26/2002	John M. Spangler	01-544US	6747
719	7590	05/09/2008		
Caterpillar Inc. Intellectual Property Dept. AH 9510 100 N.E. Adams Street PEORIA, IL 61629-9510			EXAMINER MILEF, ELDA G	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 05/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/083,423	Applicant(s) SPANGLER, JOHN M.	
	Examiner Elda Milef	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-9 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. This office action is in response to the amendments submitted by the applicants on 2/19/2008.

- Claims 2, 4, 10 are cancelled.
- Claim 11 is withdrawn.
- Claims 1, 3, 5, 7, 9, 12-15, and 19 are amended.
- Claims 1, 3, 5-9, 12-20 are pending in the application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/19/2008 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-9, 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumann et al. (hereinafter, Baumann), US Patent PG. Pub. No. 2004/0243483 in view of Moderegger et al. (hereinafter Moderegger), US PG Pub. No. 20002/0049642 in further view of Joch (Joch, Alan. "Competitive Procurement ". Desktop Engineering. copyright 2000; 6 pages).

Re claim 1: Baumann discloses:

establishing at least one bid criterion for said component;
establishing a first bid request corresponding to said at least one bid criterion; identifying at least one potential supplier for said component; submitting said bid request to said at least one potential supplier; receiving a bid response from at least one of said potential supplier-see para. 75 and Fig. 9;

comparing said bid response with at least one bid criterion; determining that said bid response is undesirable based on said comparison-see para. 59.

Furthermore, the system disclosed by Baumann can be configured to search on-line auctions for parts matching the parameters supplied by the user-see pars. 14-15. Therefore it is obvious that a determination as to the desirability of the bid must be made.

Further support for the above limitations can be found in pars. 6-7; 13-15; 88-89; 108-109; 159.

Baumann disclose modifying said at least one bid criterion for said component and in response to said bid response being undesirable allowing a client to revise the inquiry to include additional or different parts, and to modify the desired quantity allowing the vendor to respond to the revised inquiry and wherein this process can be repeated many times-see pars. 45; 54-55; 112; 158-160; Figs. 4F-4H.

Baumann do not explicitly disclose establishing a second bid request corresponding to said modified at least one bid criterion; identifying at least one second potential supplier; submitting said second bid request to said at least one second potential supplier; receiving a second bid response from at least one of said at least one second potential supplier; and

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selecting at least one of said second potential supplier based on said second bid response. Moderegger however, teaches a method and system for managing invitations to bid which discloses the evaluation of bids, choosing several bidders to further negotiation, requesting the revision of bids based on new information, restarting the bid process based on the subset of the original prospective bidders, receiving bids from the subset of original bidders, and informing the bidder that he/she has been awarded the contract-see pars. 54-56. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baumann to specifically include further negotiation with a subset of original potential bidders on criteria such as price, receiving a bid, selecting a bid as taught by Moderegger in order to evaluate bid criteria and obtain the best price and specifications for the buyer.

Baumann and Moderegger do not specifically disclose breaking down the component into a plurality of subcomponents; and determining at least one modified bid criterion for at least one of the plurality of subcomponents; the modified bid request using the at least one modified bid criterion for the at least one of the plurality of subcomponents. Joch however, teaches ("Suppliers may place bids for the entire assembly or simply one component... This line-bidding feature lets the buyer select

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suppliers on a per-component basis, thereby combining suppliers to satisfy different pieces of the end product. During the bidding, buyers receive bids for all components and the entire assembly at one sitting.")-see p. 3 para. 2. It is obvious that if the buyer will choose the most desirable price i.e., total of individual components [sub-components] versus the entire assembly [component]. The buyer is modifying bid criterion for the assembly [component] by accepting bids on a per-component basis versus accepting bids on the entire assembly and therefore the buyer will have criteria established (e.g., price) for each component. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baumann and Moderegger to specifically include breaking down the assembly into a plurality of components and the buyer accepting bids for the components from one supplier or a combination of suppliers or accepting bids for the entire assembly as taught by Joch in order to give the buyer the option of negotiating the best price for the entire assembly or for individual components. Furthermore, Baumann, Moderegger, and Joch disclose the ability to modify criteria relating to the parts requested by the buyer. The very nature of an auction is the ability to change parameters and negotiation of buyers and

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sellers resulting in compromising on bid parameters such as cost, amount, delivery terms, etc.

Re claims 3 and 5: Baumann and Moderegger disclose modifying said at least one bid criterion; establishing a second bid request as in claim 1 above. Baumann further disclose wherein said plurality of bid criteria includes a cost. -see Baumann para. 83. Baumann and Moderegger do not explicitly disclose establishing a plurality of bid criteria corresponding to a plurality of subcomponents of said component. Joch however teaches an online auction related to entire assemblies or subcomponents.-see pp. 1-3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baumann and Moderegger to specifically include a bid request is directed to subcomponents as taught by Joch in order to make the procurement process easier.

Re claim 6: Baumann disclose the fabrication of parts-see para. 60.

Claims 7 has similar limitations found in claim 1 above, and therefore are rejected by the same art and rationale.

Re claim 8: Baumann disclose wherein said bid request is an open bid request.-see para. 176; p. 16 lines 66-67 (on-line auction sites).

Re claim 9,16-19: Baumann disclose subsequent to receiving no satisfactory bid responses; the step of receiving at least one bid response from said alternative potential suppliers; the step of selecting at least one of said alternative potential suppliers; the step of procuring said component from said selected at least one supplier selected among alternative potential suppliers. -see Figs. 4G-5J and related text. Further support for the claim limitations can be found in Moderegger. Moderegger disclose subsequent to receiving no satisfactory bid responses, the step of submitting said alternative bid request to at least one alternative potential suppliers. -pars. 0053, 0055.

Re claim 12,13: Baumann disclose the fabrication of parts in para. 60. Baumann and Moderegger disclose managing bids for products through negotiation in an auction as in claim 1 above. Baumann do not specifically disclose said second bid request includes the step of fabrication of one subcomponent. Joch, however teaches ("Suppliers may place bids for the entire assembly or simply one component...")-see p. 3 para. 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baumann and Moderegger to specifically include that the bid request is for the entire

assembly as taught by Joch in order to make the procurement process easier.

Re claim 14,15: Baumann disclose a plurality of bid criteria including a design associated with at least one of said subcomponents; a function associated with at least one of said subcomponents-see pars.48, 55,177 ; Figs. 4E and 4F and related text.

Re claim 20: Baumann, Moderegger, and Joch disclose alternative bid requests for subcomponents and a design and function associated with said subcomponents as in claims 9, 14, and 15 above.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3, 5-9, 12-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US PG. Pub. No. 2002/0103740 A1 (Maroney)-cited for its reference to an auction conducted in two stages, a public stage and private stage. Following an unsuccessful public stage

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auction, the party seller invites new bidders to participate in a second private stage auction [0022-0024].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday -Friday 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kambiz Abdi/
Supervisory Patent Examiner, Art Unit 3692

Elda Milef
Examiner
Art Unit 3692